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12 United States of America  
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15 IN THE UNITED STATES DISTRICT COURT  
16  
17 EASTERN DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,  
19 Plaintiff,  
20 v.  
21 JUAN PICASO,  
22 Defendant.

23 CASE NO. 2:22-CR-00162-JAM

24 **STIPULATION REGARDING EXCLUDABLE  
25 TIME PERIODS UNDER SPEEDY TRIAL ACT;  
26 FINDINGS AND ORDER**

27 DATE: March 28, 2023  
28 TIME: 9:30 a.m.  
COURT: Hon. John A. Mendez

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17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
19 through defendant's counsel of record, hereby stipulate as follows:

20 1. By previous order, this matter was set for status on March 28, 2023.  
21 2. By this stipulation, defendant now moves to continue the status conference until **May 16,**  
22 **2023, at 09:00 a.m.**, and to exclude time between March 28, 2023, and May 16, 2023, under Local Code  
23 T4.

24 3. The parties agree and stipulate, and request that the Court find the following:

25 a) The government has represented that the discovery associated with this case  
26 includes multiple reports, dozens of Spanish recordings, and photographs. The government  
27 produced initial discovery on September 30, 2022, and after obtaining a protective order,  
28 produced the Spanish recordings on October 19, 2022.

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2           b)    Counsel for defendant has a state trial beginning the week of March 27, 2023.

3           c)    Counsel for defendant desires additional time to review the discovery, meet with

4           his client, conduct independent factual investigation, conduct legal research into trial and

5           sentencing issues, and otherwise prepare for trial.

6           d)    Counsel for defendant believes that failure to grant the above-requested

7           continuance would deny him the reasonable time necessary for effective preparation, taking into

8           account the exercise of due diligence.

9           e)    The government does not object to the continuance.

10          f)    Based on the above-stated findings, the ends of justice served by continuing the

11          case as requested outweigh the interest of the public and the defendant in a trial within the

12          original date prescribed by the Speedy Trial Act.

13          g)    For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,

14          et seq., within which trial must commence, the time period of March 28, 2023 to May 16, 2023,

15          inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]

16          because it results from a continuance granted by the Court at defendant's request on the basis of

17          the Court's finding that the ends of justice served by taking such action outweigh the best interest

18          of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

## IT IS SO STIPULATED.

Dated: March 21, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ CAMERON L. DESMOND  
CAMERON L. DESMOND  
Assistant United States Attorney

Dated: March 21, 2023

/s/ Timote Tuitavuki  
Timote Tuitavuki  
Counsel for Defendant  
**JUAN PICASO**

## **FINDINGS AND ORDER**

## IT IS SO FOUND AND ORDERED.

Dated: March 23, 2023

/s/ John A. Mendez  
THE HONORABLE JOHN A. MENDEZ  
SENIOR UNITED STATES DISTRICT JUDGE